

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KIRK D. ROBINSON,

Plaintiff,

v.

TIM MILLER, Case Manager, Programming
Director; MESSNER, Case Manager;
OLIMI, Member of Parole Board; and
GISSLER, Member of Parole Board;

Defendants.

8:24CV242

**MEMORANDUM
AND ORDER**

This matter is before the Court's on its own accord. Plaintiff filed a Complaint ([Filing No. 1](#)) on June 21, 2024, but failed to include the \$405 filing and administrative fees. On July 10, 2024, the Court directed plaintiff to either submit the \$405 fees to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. ([Filing No. 6](#).) On August 5, 2024, plaintiff submitted a \$350 payment in this case. However, as plaintiff has not submitted a request to proceed in forma pauperis ("IFP"), he is obligated to pay the \$55 administrative fee assessed to non-IFP plaintiffs. Thus, plaintiff's payment of \$350 is short by \$55 of the full \$405 owed to the Court. Only if plaintiff files a motion to proceed IFP, and the Court grants the motion, he would be obligated to pay only the \$350 filing fee. *See* [28 U.S.C. § 1915\(b\)\(1\)](#).

Accordingly, the Court will give plaintiff 30 days to either file an IFP motion or pay the additional \$55 administrative fee. In the absence of either action, the Court will dismiss this matter without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff is directed to either submit the remaining \$55 administrative fee to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Plaintiff the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. Plaintiff must include the case number for this case (8:24CV242) on any document or payment he submits for filing in this case.
4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **September 9, 2024**: Check for MIFP or payment of \$55 administrative fee.

Dated this 8th day of August 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge